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2 District of Nevada

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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA, )  
13 Plaintiff, ) Case No. 2:94-CR-239-LDG-VCF  
14 v. )  
15 FERDINAND BUNGAY, )  
16 Defendant. )

17 **MOTION FOR SUPPLEMENTARY PROCEEDINGS (EXAMINATION  
18 OF JUDGEMENT DEBTOR)**

19 The United States of America, by and through Daniel G. Bogden, United States Attorney, and  
20 Brian Pugh, Assistant United States Attorney, moves this Honorable Court for an order requiring  
21 defendant, Ferdinand Bungay, to appear before a United States Magistrate Judge at a time and place to  
22 be set by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P.  
23 and N.R.S. 21.270.

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## POINTS AND AUTHORITIES

2 The Federal Debt Collection Procedure Act ('FDCPA') is "the exclusive civil procedures for the  
3 United States ... to recover a judgment on a debt." 28 U.S.C. § 3001(a) (1). A debt is an amount owed  
4 "to the United States on account of ...[an]other source of indebtedness to the United States...." 28  
5 U.S.C. § 3002(3)(B). A judgment is "a judgment ... entered in favor of the United States in a court and  
6 arising from a ... criminal proceeding...." 28 U.S.C. § 3002(8). A criminal money judgment against a  
7 defendant is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. §§ 3001(a) (1),  
8 3002(3)(B) and (8), 3201, and 3202(a). The creation, duration and renewal of judgment liens are part of  
9 Subchapter C. *See* 28 U.S.C. §§ 3201 and 3202(a). Since judgments include criminal money  
10 judgments, the judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28  
11 U.S.C. §§ 3002(8), 3201, and 3202(a).

12 Defendant's debt is a judgment upon which the United States can collect and use any and all  
13 remedies identified in the FDCPA, including discovery as to the debtor's financial condition. *See* 28  
14 U.S.C. § 3015.

## CONCLUSION

16 Wherefore, the United States respectfully requests that this Court order a judgment debtor  
17 examination of the defendant.

18 This motion is based upon the attached Declaration and the pleadings and papers on file herein.

DATED this 8<sup>th</sup> day of October, 2014.

DANIEL G. BOGDEN  
United States Attorney

/s/ Brian Pugh  
BRIAN PUGH  
Assistant United States Attorney

## **DECLARATION**

**FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS  
(EXAMINATION OF JUDGMENT DEBTOR)**

STATE OF NEVADA )  
COUNTY OF CLARK )

Kim Bush, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, Ferdinand Bungay , for the sum of \$490,232.00, together with interest thereon from the date of judgment and court costs.
3. Ferdinand Bungay resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

*/s/Kim Bush*  
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Kim Bush  
Legal Assistant  
Financial Litigation Unit

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA, )  
5 Plaintiff, ) Case No. 2:94-CR-239-LDG-VCF  
6 v. )  
7 FERDINAND BUNGAY, )  
8 Defendant. )

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10 **ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT**  
11 **DEBTOR EXAMINATION**

12 On plaintiff's motion and good cause appearing, the defendant, Ferdinand Bungay, is hereby  
13 Ordered to appear before the United States Magistrate in courtroom 3D, Lloyd D. George Federal  
14 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 4th  
15 day of December, 2014 at 1:00 p.m., to then and there answer upon oath concerning the  
16 property of the defendant and for such other proceedings as there may occur consistent with proceedings  
17 supplementary to execution.

18 It is further ordered that you, the defendant, bring to the hearing the following:

19 1. Your three most recent federal income tax returns with their attachments.

20 2. Copies of all personal and business financial statements concerning checking and  
21 savings accounts for the past twelve months.

22 3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats,  
aircraft, etc

23 4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.

24 5. Copies of your bills for the past twelve months to verify statements on the  
financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by  
2 private process service at least 3 weeks ~~calendar days~~ before the hearing scheduled herein.

3 Failure to appear may subject you, the defendant, to punishment for contempt of court.

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5 DATED this day of October 14 2014.

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9 United States Magistrate Judge  
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11 SUBMITTED BY:

12 DANIEL G. BOGDEN  
13 United States Attorney

14 /s/ Brian Pugh  
15 BRIAN PUGH  
16 Assistant United States Attorney  
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IT IS FURTHER ORDERED that the government  
must provide a court reporter for the  
Judgment Debtor Examination on December 4, 2014  
at 1:00 p.m.

IT IS FURTHER ORDERED that the service of  
process on defendant must be filed with the  
court by November 26, 2014.